

COUNTY OF YORK

MEMORANDUM

DATE: November 18, 2004 (BOS Mtg. 1/18/05)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney

SUBJECT: Proposed Amendments to Various Sections of Chapter 2 of the York County Code

As time permits, this office will be conducting an audit of the County Code to determine whether there are any instances in which the County's ordinances have been superceded by subsequent changes to the Virginia Code. Every year after the Virginia General Assembly has completed its session, this office, aided by materials published by the Virginia Association of Counties and the Virginia Municipal League, reviews the legislation and attempts to update any ordinances as may be required by any General Assembly bills which have amended applicable statutes. However, it appears not to be possible to catch all such changes as they come along, and so periodically it is wise to conduct a comprehensive review of local ordinances to see if any statutory changes have escaped our attention over the years. Certain chapters of the County code are regularly reviewed by the County staff who are charged with their implementation. Thus, the County zoning, wetlands, subdivision, and erosion and sediment control ordinances, by way of example, are updated regularly because County staff deal with these ordinances regularly and, working with this office, review the applicable ordinances at least annually. However, some of the County's ordinances escape such frequent review, and it is to those chapters I will be devoting my attention over the coming months, as time permits.

Attached for your consideration are three relatively minor amendments I am proposing to ordinances in Chapter 2 of the County code. Two of them, amendments to sections 2-35 and 2-47, merely update statutory references from old Title 15.1 to Title 15.2. In 1997, the General Assembly recodified Title 15.1, wherein most of the ordinances are located dealing with the operation of local governments, creating new Title 15.2. There are a number of instances in the County code, however, where state statutes are still referred to by old section numbers. Fortunately, that does not actually affect the enforceability of the County's ordinance, as County code section 1-2 ("Definitions and rules of construction") contains a provision stipulating that any reference to the state code or to the Code of Virginia is to be interpreted as referring to any future amendments to the referenced state statute. Nonetheless, as long as I am going through the exercise of auditing the County code, I will attempt to update those outdated references as I discover them.

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The recommended change to County code section 2-2, however, is a result of a recent statutory change which increased the fee that a locality can charge for the passing of a bad check from \$25.00 to \$35.00. I have assumed that the County would wish to take advantage of that rather modest increase.

Barnett/3440:mrc

Attachment

- Ordinance No. 04-29